

REMARKS

Reconsideration of this application in light of the present amendment and remarks is respectfully requested.

Claims 1, 3-7 and 9-24 have been rejected.

Claims 1, 3, 4, 6, 7, 9-14, 17 and 23-24 have been amended.

Claims 1, 3-7, and 9-24 are pending in this application.

Substantive Matters

Claims 1, 5-7, 11-14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Messiet (US 5,875,404) in view of Martineau (US 5,915,226). Applicants presume that this rejection also applies to claims 3-4, 9-10 and 22-24 inasmuch as the Examiner directs arguments thereto. This rejection is respectfully traversed.

The independent claims, 1, 7, 23 and 24 have been amended to clarify what happens during the powering down of the function. Support for this can be found in the specification describing FIG. 4 (page 5 line 20 to page 6 line 5). Although, applicant is willing to submit that there are devices that do not immediately power down when the power button is pushed, this is merely a timing feature to allow time to complete an ongoing function. Applicants' invention is quite different in that there is much more going on during the powering down phase than just waiting for a set time to complete an ongoing function. Specifically, after the power off operation is started, the second SIM card is disconnected, the first SIM card is connected, and a communication (such as an external GSM communication) is initiated and performed that involves information on the first SIM card, such as updating information for example.

The cited art does not suggest or disclosed any of the newly performed actions during a power down mode. Specifically, these actions include disconnecting a second SIM card, connecting the first SIM card, starting a communication to receive new information, executing instructions to update the first SIM card, disconnecting the first SIM card, re-connecting the second SIM card, and powering down. Applicants submit that the provision for these many steps is novel and distinct from the cited art, and that these are far too many steps to be rendered obvious from the cited art.

Claims 3 and 9 have been amended to include specific instructions for periodically powering up the device for updating the card information, as described for FIG. 6 (page 5 line 27 to page 6 line 19).

Claims 4 and 10 have been recast to include specific instructions for updating the card information, as described for FIG. 5 (page 5 line 27 to page 6 line 5).

Claims 6 and 12 have been recast to include specific instructions for calling a service using a telephone number from the first data carrier, as described for any of FIGs. 7-11 (page 6 line 21 to page 8 line 12).

Claims 13 and 14 have been amended to properly follow from preceding claims.

Moreover, claims 3-6, 22 and 9-14 are dependent on claim 1 and 7, respectively, and therefore include all of the recitations of those claims, which are hereby incorporated by reference, and thereby deemed allowable as well for the same reasons.

Accordingly, it is respectfully submitted that this rejection has been overcome.

Claims 15-22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Messiet in view of Martineau as applied to claims 1 and 7 above, and further in view of Siccardo et al. (US 6,115,605). This rejection is respectfully traversed.

Claim 17 has been amended to properly follow from its base claim.

Claims 20-22 have not been addressed by the Examiner. However, applicants presume that the Examiner's previous arguments towards claims 15-16 and 10 would be similarly applied.

Claims 15-19 and 20-22 are dependent on claims 7 and 1, respectively, and therefore include all of the recitations of those claims, which are hereby incorporated by reference and which have been previously distinguished, and thereby deemed allowable as well for the same reasons.

Accordingly, it is respectfully submitted that this rejection has been overcome.

The other references of record have been reviewed and applicant's invention is deemed patentably distinct and nonobvious over each taken alone or in combination.

For the foregoing reasons, applicants respectfully request that the above rejections be withdrawn.

Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.

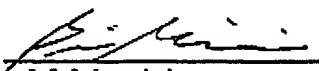
No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection or through an Examiner's amendment.

Authorization is hereby given to charge any fees necessitated by actions taken herein to
Deposit Account 50-2117.

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Respectfully submitted,
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